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President

Economic Development & Planning Department
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Meeting Agenda

Conservation Development Regulations Working Committee

December 6, 2012

1. Welcome
2. General Changes to 2010 Draft
3. Adaptive Management Text
4. Stormwater Management & Monitoring Text
5. Other items
6. Questions

Upcoming meeting:

Open Space – January 17, 2013, 9:00-10:30 a.m.

Summary of Changes – Water Quality Meeting

Conservation Development Regulations Working Committee

General Changes to 2010 Draft

The draft text presented on the following pages is based on the draft that was produced in 2010, with the following changes:

- Much of the chapter has been restructured for consistency with other Planned Districts and Overlay Districts of the Franklin County Zoning Resolution:
 - 450.01 – Purpose and Intent
 - 450.02 – Overlay Area Established
 - 450.03 – Permitted Uses
 - 450.04 – Procedures
 - 450.05 – Development Standards
 - 450.06 – Open Space Standards
- The “Definitions” section was removed. At the end of the zoning district text there is a list of definitions to be added to Section 720 – Definitions, where all of the definitions for the Zoning Resolution are held. Some of the original definitions have been removed from the list due to redundancies with Section 720 – Definitions (“Landscaping,” “Open Space,” “Principal Structure”).
- Section 450.04 – PROCEDURES has been substantially simplified. The intent of this simplification was to be more consistent with the County’s other Planned Districts and to incentivize the use of these Regulations by making the application process easier to navigate.
 - The Sketch and Analysis Map has been divided into a Context Map that shows a broader view of the site’s surroundings and an Analysis Map with simplified submission requirements to reduce up-front developer costs.
 - A “Sketch Plan” has been added following the Site Visit to include an informal conceptual development plan, submitted at no cost, showing generalized areas for conservation with rough locations of houses, lot lines, and streets.
 - A single development plan is required, as opposed to Preliminary and Final Development Plans.
 - To be more concise, Development Plan requirements are identical to Preliminary Plan requirements of Subdivision Regulations, with additional Darby-specific requirements.
 - Public hearing and approval process was removed due to redundancy with Section 716.

Water Quality & Adaptive Management

An “Adaptive Management Policy” section has been added as Section 450.024. This will be a subsection of the “Overlay Area Established” section, since it describes the mechanism that will allow the temporary “deactivation” of the district to enable water quality data analysis and amendments to the zoning district standards. Also, a “Stormwater Management” section has been added as Section 450.0510. This section describes stormwater management standards and the water quality monitoring process.

SECTION 450 – PLANNED RESIDENTIAL CONSERVATION DISTRICT (PRCD)

Areas highlighted in light gray include new/modified content to be reviewed in the current draft.

Areas highlighted in dark gray remain in their 2010 form and will be addressed in future drafts.

450.01 CREATION AND PURPOSE

The PRCD is created pursuant to Section 303.022 of the Ohio Revised Code for the purposes of further promoting the general public welfare, encouraging the efficient use of land and resources, promoting public and utility services, encouraging innovation in the planning and building of all types of development.

450.011 – Intent – This district intends to allow the development of conservation subdivisions that:

- a) Preserve and enhance water quality by permanently preserving unique and sensitive natural resources.
- b) Encourage clustering of houses and structures on less environmentally sensitive soils.
- c) Reduce the amount of infrastructure necessary for residential development.
- d) Reduce storm water runoff, erosion and sedimentation by minimizing land disturbance and removal of vegetation.
- e) Promote interconnected greenways and open space corridors throughout the community.
- f) Integrate open space within residential developments.
- g) Preserve the rural character of portions of Franklin County.
- h) Conserve riparian resources and regulatory floodplain areas by buffering natural drainage swales, creeks and stream corridors
- i) Conserve sloping land designated by the NRCS as Highly Erodible Land (HEL) by minimizing changes to the topography.
- j) Utilize storm water best management practices by minimizing impervious surfaces to the extent possible.
- k) Promote ecological function and human enjoyment of open space.

450.02 – OVERLAY AREA ESTABLISHED

450.021 – Establishment Area – The PRCD is created pursuant to Section 303.022(C) of the Ohio Revised Code. The PRCD encompasses overlays and rezones the area shown on the PRCD Overlay Zoning District Map to the PRCD.

450.022 – Overlay Map – The overlay map is attached and incorporated to this regulation as Attachment 1. This map is hereby adopted as the official zoning district map for the PRCD. The existing zoning regulations and districts for this area continue to apply to all property within the PRCD unless the Franklin County Rural Zoning Commission approves an application to subject an owner's property to the provisions of the PRCD.

450.023 – Removal of Underlying Zoning District – An application must be made according to the provisions of Section 450 of the Franklin County Zoning Resolution. Upon receiving an application, the Rural Zoning Commission will determine whether the application complies with the provisions contained in Section 450.

If the Rural Zoning Commission determines that the application complies and then approves the application, the approval shall cause the zoning map to be changed so that the underlying zoning district no longer applies to the subject property. The property then is subject to the regulations of

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the PRCD. The removal of the prior zoning district is a ministerial act and is not considered to be an amendment to the Franklin County Zoning Resolution.

450.024 – Adaptive Management Policy – Data from the site-level water quality monitoring program detailed in Section 450.0510(b) shall be compiled and analyzed every *[insert time period]*. The results of this analysis shall be utilized to review the development and open space standards herein and determine whether modifications are necessary in order to accomplish the goals of this zoning district overlay.

At such time that *[insert number of dwelling units]* have been approved under this zoning overlay district, the district shall become temporarily inactive and unavailable to property owners until such data analysis and necessary modifications can be adopted.

450.03 – PERMITTED USE – Land and buildings in the PLANNED RESIDENTIAL CONSERVATION DISTRICT may be used only for the following purposes:

450.031 – Residential Development – Residential use in the form of detached single family dwellings and attached dwellings.

450.032 – Home Occupation (Business) – Home Occupation in association with a permitted dwelling and in accordance with the provisions of Section 511 – Home Occupation.

450.033 – Accessory Use – Accessory uses in association with a single family dwelling unit as permitted in Section 302 – Rural District Regulations and accessory structures pursuant to Section 512 – Accessory Buildings.

450.034 – Religious Uses – Religious uses as permitted in Section 302 – Rural District Regulations.

450.035 – Open Space – Open space uses as defined in Section 720 and further defined in Section 450.07.

450.04–PROCEDURE

450.041 Pre-Application Review – Prior to submitting a formal application, a pre-application review meeting is highly encouraged. The purpose of this meeting is to introduce the potential applicant to the PRCD standards and procedures and to begin a site analysis and planning dialogue which will assist in determining general areas of conservation and development, as well as potential open space connections and developmental impacts beyond the site.

Pre-application review consists of three components: the submittal of Context and Analysis Maps, a Site Visit, and the submittal of a conceptual Sketch Plan.

- a) **Context and Analysis Maps** – The applicant shall submit five (5) full-size copies of the Context and Analysis Maps in 24"x36" format. A reduced copy no larger than 11"x17" must also be submitted.
 - 1) The Context Map shall be drawn at the scale of 1" = 400' and contain the following information:
 - i. The proposed size and location of the PRCD district and areas one-half (½) mile beyond the site boundaries.

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- ii. Aerial photography of the subject site and areas one-half (½) mile beyond the site boundaries.
 - iii. Topographic information in the form of two (2) foot intervals
 - iv. The location of all Tiered land as defined by the Big Darby Accord Master Plan.
- 2) The Analysis Map shall be drawn at the scale of 1" = 100' and contain the following information:
 - i. The proposed size and location of the PRCD district and areas 200 feet beyond the site boundaries.
 - ii. All structures located on the subject site and 200 feet beyond the site boundaries.
 - iii. Topographic information in the form of two (2) foot interval elevation contours.
 - iv. The location of all Tiered land as defined by the Big Darby Accord Master Plan.
 - v. The location of soils types and environmentally sensitive areas including but not limited to wooded areas, wetlands and 100-year floodplains.
 - vi. The location of all ponds, waterways and drainage features on the site, including available information on the location of field tile.
 - vii. The relationship of the proposed development to existing and probable uses of surrounding areas, such as easements, rights-of-way, and public utilities.
 - viii. The location of stream buffers as identified in Section 650 of the Franklin County Zoning Resolution.
 - ix. The location of significant features such as woodlands and tree stands, tree lines, open fields or meadows, scenic views into or out from the property, watershed divides and drainage ways, historic fences or stone walls, rock outcroppings, and existing structures, roads, tracks and trails, and any sites listed on the National Register of Historic Places or the ODNR Natural Diversity Inventory
- b) Site Visit – After the Context and Analysis Maps have been submitted, the Planning Department Staff shall arrange for the applicant, members of the Franklin County Technical Review Committee and any other appropriate agencies to visit the development site.

The purpose of the visit is to allow representatives of reviewing entities to discuss, with the applicant, the possible layout of the proposed subdivision. The Sketch and Analysis Map will be made available as a resource during this visit and any subsequent discussions.

The site visit shall take place on the date of the Technical Review Committee on which the applicant has requested to appear. If, because of weather or scheduling conflicts on part of the review team members, the visit cannot be scheduled within this time limit, it shall be scheduled as soon as possible thereafter.
- c) Sketch Plan – Immediately after the site visit, the applicant shall submit an informal conceptual development plan that is overlaid, or "sketched," onto the Analysis Map for comments from the Technical Review Committee. Although no binding decisions or votes are made at this time, this concept plan and comments received shall form the basis

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for the more detailed development plan. In addition to the underlying Analysis Map features, the Sketch Plan shall show the following:

- 1) Generalized areas of conservation and development on the site.
- 2) Proposed locations of lot lines, building envelopes, and public and private streets.

450.042 – Submission of Application – The owner or owners of a tract twenty (20) acres or more in area may request that the tract be subjected to the PRCD in accordance with the provisions of Section 450.03.

450.043 – Development Plan – The applicant shall submit five (5) copies of a Development Plan in 24"x36" format. A reduced copy no larger than 11"x17" must also be submitted. Electronic versions in PDF format, on CD, or by e-mail shall also be submitted in consultation with the Planning Administrator. The Development Plan shall include all elements required by Section 302 – Preliminary Plan Requirements of the Franklin County Subdivision Regulations in addition to the following:

- a) Proposed locations of building envelopes, attached dwelling units, and public and private streets.
- b) Landscape plan which depicts, identifies and gives a general description of all proposed landscaping features in the development including both public and private open space. A landscape plan for the improved common open space shall be prepared by a licensed landscape architect showing the caliper, height, numbers, name and placement of all material, and shall be submitted with and approved as part of the Development Plan.
- c) Groundwater recharge analysis as defined by the Ohio EPA Big Darby Stormwater NPDES permit.
- d) Estimated phasing plans.

450.044 – Basis of Approval – The basis for approving an application and Development Plan for the PRCD shall be:

- a) That the proposed development complies with all purposes, requirements and standards established in this Zoning Resolution and that any divergence is warranted by the design and amenities incorporated in the Development Plan.
- b) That the proposed development is in conformity with the township's Comprehensive Plan or any other land use plan, including the Big Darby Accord Watershed Master Plan, or such portion thereof as it may apply.
- c) That the design preserves and protects environmentally sensitive areas.
- d) That the proposed development will be adequately served by essential public facilities and services including, without limitation, roads, walkways and bike paths, police and fire protection, drainage structures, potable water and centralized sanitary sewers or other approved sewage disposal systems.

450.045 – Effect of Approval – The approval of a Development Plan shall be effective for a period of two (2) years from the approval of the Development Plan in order to allow for the preparation and submission of the required Subdivision Plan, submitted in accordance with the Subdivision Regulations for Franklin County, Ohio. No zoning text amendment passed during this two (2) year period shall affect the terms under which approval of the Development Plan was granted. If the required Subdivision Plan has not been filed within this two (2) year period, the Development Plan approval shall expire. An application for time extension may be submitted for consideration in accordance with 450.058.

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450.046 – Plat Required – In the PRC DISTRICT no use shall be established or changed and no structure shall be constructed or altered until the required Subdivision Plat has been recorded in accordance with the Franklin County Subdivision Regulations. The Subdivision Plat shall be in accordance with the approved Development Plan and shall illustrate or include:

- a) Site arrangement, including building setback lines within the site; water, fire hydrants, sewer, all underground public utility easements, including sanitary sewers surface drainage and waste disposal facilities;
- b) Easements, access points to public right-of-way, parking areas and pedestrian ways;
- c) Land reserved for public and private open space

Deed restrictions, covenants, easements and encumbrances to be used to control the use, development and maintenance of the land, the improvements thereon, the open space included therein, and the activities of occupants shall be recorded within six (6) months of the date the plat was recorded.

In the event that any public service facilities not to be otherwise guaranteed by a public utility may have not been constructed prior to the recording of the plat, the owner of the project shall post a performance bond in favor of the appropriate public officers in a satisfactory amount ensuring expeditious completion of said facilities within one (1) year after the recording of said plat. In no event, however, shall any zoning certificate be issued for any building or use until such time that the facilities for the phase in which the building or use is located are completed.

450.047 Extension of Time – An extension of the time limit for either filing the required subdivision plat, recording the approved subdivision plat, the commencement of construction, or enlarging the approval period for an approved Development Plan may be granted by the Planning Administrator prior to the expiration of the established approval period without public hearing, provided the Planning Administrator makes the following findings:

- a) Such an extension is not in conflict with the public interest;
- b) There is a legitimate purpose and necessity for such extension;
- c) That the applicant shows evidence of a reasonable effort toward the accomplishment of the filing and/or recordation of the plat and the completion of the development of the project.

450.048 – Modifications – In the event that an applicant or owner who has obtained approval of a Development Plan wishes to change or modify said approved plan in any respect, they shall make a detailed written modification request, and file that request and fee with the Franklin County Economic Development and Planning Department. The application shall specifically detail the changes requested, and shall state the reasons for all the changes requested.

Upon receipt of such an application, the Planning Administrator or their designee shall determine whether the application be treated as a request for a minor or major modification.

- a) Minor Changes – If the Planning Administrator or their designee determines the application should be handled as a minor modification request, it shall be handled as an administrative act. Approval may be with such amendments, conditions or modifications as the Planning Administrator may determine.
- b) Major Changes – In the case of a request for a modification or amendment to the approved Development Plan that represents a substantial departure from the intent of the original proposal, as determined by the Planning Administrator, said modification or amendment shall be subject to the same procedure and conditions of Development Plan

approval as the original application. Any approval of such request may be with such amendments, conditions or modifications as the Rural Zoning Commission may determine. The following shall be considered substantial departures from the original application:

- 1) A change in the use or character of the development.
- 2) An increase in overall lot coverage of structures and off-street parking.
- 3) An increase in the density.
- 4) An increase in the problems of traffic circulation or public utilities.
- 5) A reduction in approved open space.
- 6) A significant change in off street parking and loading spaces.
- 7) A significant change in specified pavement widths.
- 8) A reduction of the acreage in the planned development.
- 9) Any other departure from the approved Development Plan which is deemed substantial by the Planning Administrator.

450.05 DEVELOPMENT STANDARDS

450.051 – Minimum Tract Size – The minimum tract size for a PRCD development shall be 20 acres.

450.052 – Residential Density – Allowable density is subject to the following:

- a) Maximum density equal to the maximum density of the underlying zoning district.
- b) Provisions for flexibility in maximum density as follows:
 - Temporarily set at 2.5 units per acre.
 - Must improve groundwater infiltration as measured via the Big Darby Storm Water Permit granted by the Ohio EPA.
- c) All acreage within the development tract shall be included for the purpose of this density calculation with the exception of existing rights-of-way.

450.053 – Project Perimeter Building Regulations

- a) The minimum setback from an existing public street shall be 100 feet from the centerline of the existing right-of-way or the proposed right-of-way per the Franklin County Thoroughfare Plan.
- b) The minimum setback from the project boundary shall be 75 feet.
- c) Dwellings shall not directly access any existing external road.

450.054 – Building Setback and Configuration

- a) The minimum setback from a proposed local public right-of-way shall be 25 feet.
- b) The minimum setback from the edge of the pavement of a private street shall be 25 feet.
- c) The minimum separation between buildings containing dwelling units shall be 20 feet.
- d) Maximum building height
 - 1) Principal buildings shall not exceed 35 feet in height.
 - 2) Accessory buildings shall not exceed 20 feet in height.

450.055 – General Street Design Criteria

- a) Street alignment should follow existing natural contours of the land in order to minimize changes to the site topography.
- b) Street alignment shall be designed to conserve critical natural features.
- c) The area of the project devoted to streets and related pavement should be the minimum necessary to provide adequate and safe movement through the development.
- d) Street design and location shall be reviewed by the Township Fire Department.

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- e) All private streets that are not dedicated for public maintenance shall be constructed to a pavement width and cross section that meets the average daily traffic and weights anticipated in the ODOT Design Manual, or shall have a design life of 20 years.

450.056 – Utilities - All new electric, telephone, cable television and similar utility systems shall be located underground.

450.057 – Street Lighting - Street lights, if provided, shall not exceed 16 feet in height and shall consist of a cutoff, downward cast fixture.

450.058 – Landscaping

- a) All front, side and rear yards shall be landscaped.
- b) All improved common open space shall be landscaped per the approved Development Plan.
- c) Common open space landscaping shall be designed to slow and filter surface water runoff.
- d) Native vegetation shall be utilized to the extent possible.

450.059 – Parking - Off-street parking shall comply with the provisions of Section 531 of the Franklin County Zoning Resolution.

450.0510 – Stormwater Management

- a) **Water Quantity** – A stormwater management plan shall be designed in accordance with the Franklin County Subdivision Regulations and Stormwater Drainage Manual and the following:
 - 1) Site layout should be designed to minimize impervious areas, retain natural topography and use existing natural drainage ways, swales, depressions and storage areas.
 - 2) Site design should integrate low impact development techniques and a decentralized stormwater system.
 - 3) Post-construction groundwater recharge rates shall equal or exceed pre-development recharge rates. If onsite infiltration is infeasible, or if open space is inadequate to maintain this infiltration rate, mitigation with off-site infiltration will be required.
- b) **Water Quality** – A Site-Level Water Quality Monitoring Plan shall be submitted as part of the Development Plan, showing proposed locations and methods of water quality monitoring in accordance with recommendations of the Big Darby Accord Watershed Master Plan. Approved text shall then be included as part of the subdivision's Operations and Maintenance Plan.
 - 1) Grab samples shall be gathered at the stormwater outfalls of all new stormwater conveyance systems.
 - 2) Monitoring shall ensure that site-level BMPs are not exceeding determined allowable release rates for pollutants of concern as defined by the total maximum daily load (TMDL) report for the Big Darby watershed.

450.0511 – Sewage Disposal

Wastewater treatment may be provided on-lot; as part of a community-scale non-discharge system; or as part of a regional collection and treatment system.

- a) For centralized sanitary sewer usage, a feasibility letter shall be provided by the Franklin County Sanitary Engineer indicating that sewer service is available with the capacity needed.

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- b) For sites not served by public centralized sewer, sewage disposal feasibility shall be demonstrated by letter from either the Franklin County Board of Health or the Ohio EPA.

450.0512 – Paths

- a) Paths shall be at least five (5) feet wide.
- b) Paths shall be constructed of a pervious paved surface.
- c) The Rural Zoning Commission may require sidewalks to connect residential areas and open spaces.

450.0513 – Street Trees

- a) Deciduous, broad leaf street trees with a minimum caliper of 1.5 inches on average at planting shall be planted (or retained) at least every 50 lineal feet along at least one side of each street.
- b) The street trees must not be a prohibited species as outlined in the Franklin County Subdivision Regulations.

450.0514 – Signs – All signs shall conform to Section 541 of the Franklin County Zoning Resolution.

450.0515 – General Development Standards – Unless specifically supplemented by the standards contained in Section 450 or otherwise approved in the development plan, the development must comply with the General Development Standards applicable to all zoning districts as required in Article V of the Franklin County Zoning Resolution.

450.0516 – Supplemental Conditions and Safeguards – The Approving Authority may impose amendments, conditions or modifications relating to the development including but not limited to:

- a) Type and extent of public improvements to be installed.
- b) Landscaping, development, improvement and maintenance of open space.
- c) Any other pertinent development characteristics.

450.06 – OPEN SPACE STANDARDS

450.061 – Open Space Ratio – At least fifty percent (50%) of the gross development tract, excluding existing rights-of-way and regulatory floodplain areas, shall be designated as permanent open space, not to be further subdivided.

450.062 Configuration and Criteria – Applicants must consider the following when configuring open space as part of a Development Plan:

- a) **Conservation Areas** – Open space shall be designed to preserve the tiered conservation areas identified in the Big Darby Accord and other applicable land use plans.
- b) **Lot Design** – Open space should be identified before completion of the lot and street layout: lots should be designed around open space; open space should not be designed around lots.
- c) **Placement in Reserve** – Open space shall be platted as an open space reserve, including appropriate conservation easements.
- d) **Restoration of Disturbed Areas** – Any area designated for preservation within the open space that is proposed to be disturbed during construction or otherwise not preserved in its natural state, other than required setback areas, shall be noted on the

Development Plan and shall be restored with vegetation that is compatible with the natural characteristics of the site.

- e) Active Recreation – Any open space intended to be devoted to active recreational activities, if approved as part of the Development Plan shall be of usable size and shape for the intended purposes.
- f) Areas Not Considered Open Space – The following areas are not considered open space for the purposes of this section:
 - 1) Private road and public road rights-of-way.
 - 2) Parking areas, access ways, and driveways
 - 3) Required setbacks between buildings, parking areas, and project boundaries.
 - 4) Required setbacks between buildings and streets.
 - 5) Minimum spacing between buildings and between buildings and parking areas.
 - 6) Private yards
 - 7) Areas of fee simple lots to be conveyed for residential dwelling uses.
 - 8) Other small fragmented or isolated open space areas that have a dimension less than the development's average lot width in any direction.

450.063 – Public Open Space

450.0631 Permitted Uses – Areas designated for restricted public open space may be used for the following:

- a) Passive recreation;
- b) Removal of damaged or diseased trees and invasive or noxious species
- c) Revegetation and reforestation; using native species with approval of the Franklin Soil and Water Conservation District.
- d) Stream bank stabilization and stream restoration activities that improve ecologic function. Such activities must substantially use natural materials and native plant species, be designed in accordance with natural channel design principals and be approved by the Franklin Soil and Water Conservation District before construction.
- e) Storm water conveyances from permanent storm water control practices. Such conveyances must be designed to minimize the width and/or area of disturbance within the open space and cannot contribute to land or bank erosion.
- f) Utility crossings of the open space should be avoided when possible. When not possible, the disturbance to the open space must be minimized, and the disturbance restored to a natural condition reflective of the open space to the extent practical.
- g) Non structural or minimally intrusive (e.g. silt fence) temporary erosion control measures for the purpose of water quality protection;
- h) New arterial or collector streets (provided that disturbances due to construction of arterial streets are minimized and mitigated) per the request of the Franklin County Engineer.
- i) Vegetative stormwater best management practices including but not limited to bio-swales, constructed wetlands, etc located in untiered or Tier 3 land in the public open space.
- j) Non-vegetative stormwater best management practices including but not limited to retention basins, detention basins located in untiered or Tier 3 land in the private open space.
- k) Non-vegetative stormwater best management practices shall not comprise more than 15 percent of the private open space.

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- l) Disturbances of the open space necessary to accomplish the permitted uses described in this criteria. However, all such disturbances shall be minimized and mitigated.

450.0632 Conditional Uses

- a) Active recreational uses limited to multi-purpose fields and playgrounds;
- b) Paved trails
- c) Non-vegetative stormwater best management practices including but not limited to retention basins, detention basins located in untiered or Tier 3 land in the public open space.
- d) Application or spraying of wastewater treatment plant residuals.

450.0633 Prohibited Uses

- a) Construction of structures.
- b) Dredging, filling, or grading.
- c) Motorized vehicles except maintenance equipment, emergency vehicles and vehicles located in the public right-of-way.
- d) Disturbance of natural vegetation without revegetation or reforestation using native species as approved by the Franklin Soil and Water Conservation District.
- e) Parking lots.
- f) Wastewater treatment plants
- g) Intrusive stormwater controls that do not promote groundwater infiltration.
- h) Stream modification that does not use natural channel design or self-forming stream concepts.
- i) Streambank stabilization using rip-rap, sheet piling, or concrete, except that used within existing or new transportation right-of-ways.

450.064 Private Open Space

450.0641 Permitted Uses - Areas designated for restricted private open space may be used for the following:

- a) Non-invasive native vegetation as defined by the Ohio Department of Natural Resources invasive species council
- b) Temporary erosion control practices during construction.
- c) Permanent structures including but not limited to entry features, paved trails, small barns, gazebos, playgrounds and above and below ground utilities.

450.065 Restriction on Further Subdivision of Open Space – Open space shall be prohibited from further subdivision or development by deed restriction, conservation easement or other agreement, in a form satisfactory to the Approving Authority.

The restriction from further subdivision or development shall also be noted in the Development Plan and the recorded plat.

450.066 Public Open Space Ownership

- a) **Allowable Entities** – Proposed public open space ownership is limited to the following entities.
 - 1) A political subdivision

- 2) A park district or other conservation organization recognized by the Approving Authority.
 - 3) Homeowner or condominium associations only if the allowable entities listed above are unable or unwilling to own the public open space.
- b) Ownership Methods – The methods of ownership, if approved as part of the Development Plan, may be as follows:
- 1) Offer of Dedication – An allowable entity listed in 450.126(a) may accept conveyance in the form of fee simple ownership of the open space.
 - 2) Associations – Open space held by the individual members of a condominium association, homeowners' association, community association, or other similar legal entity, subject to the following requirements. Applicants must provide documentation to the Approving Authority that ensures compliance with the following:
 - i. Membership in the association shall be mandatory for all purchasers of lots in the development or units in the condominium.
 - ii. The association shall be capable of and responsible for maintenance, control, and insurance of common areas, including open space.
 - iii. The association shall have the right and obligation to impose assessments upon its members, enforceable by liens, in order to ensure that it will have sufficient financial resources to provide for proper care and maintenance of the open space.
 - 3) Transfer of Easements to a Public or Private Conservation Organization – Upon approval of the Approving Authority, an owner may transfer easements to a conservation organization. Organizations must meet the following criteria:
 - i. The organization is acceptable to the Approving Authority, and is a bona fide conservation organization or political subdivision with perpetual existence
 - ii. The conveyance contains appropriate provisions for property transfer in the event the organization becomes unwilling or unable to continue carrying out its function.
 - iii. A maintenance agreement approved by the Approving Authority is entered into by the developer and the organization.

450.067 Private Open Space Ownership

- a) Allowable Entities – Proposed private open space ownership is limited to the following entities:
 - 1) Homeowner or condominium associations
 - 2) Private entity or owner
- b) Ownership Methods – The methods of ownership, if approved as part of the Development Plan, may be as follows:
 - 1) Offer of Dedication – An allowable entity listed in 450.128(a) may accept conveyance in the form of fee simple ownership of the open space.
 - 2) Associations – Open space held by the individual members of a condominium association, homeowners' association, community association, or other similar legal entity, subject to the following requirements. Applicants must provide documentation to the Approving Authority that ensures compliance with the following:
 - i. Membership in the association shall be mandatory for all purchasers of lots in the development or units in the condominium.

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- ii. The association shall be capable of and responsible for maintenance, control, and insurance of common areas, including open space.
 - iii. The association shall have the right and obligation to impose assessments upon its members, enforceable by liens, in order to ensure that it will have sufficient financial resources to provide for proper care and maintenance of the open space.
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- i. The organization is acceptable to the Approving Authority, and is a bona fide conservation organization or political subdivision with perpetual existence
 - ii. The conveyance contains appropriate provisions for property transfer in the event the organization becomes unwilling or unable to continue carrying out its function.
 - iii. A maintenance agreement approved by the Approving Authority is entered into by the developer and the organization.

450.068 Management and Maintenance

a) Financial Responsibility

- 1) The owner of the private open space shall be responsible for raising all monies required for operations, maintenance, or physical improvements to the open space through annual dues, special assessments, and valid and enforceable collection methods.
- 2) The owner of the public open space shall.....Darby Money

b) Liens – The owner of the private open space shall be authorized, under appropriate restrictions and covenants, to place liens on the property of residents within the PRCD development who fall delinquent in payment of such dues and assessments.

c) Failure to Maintain – In the event that the organization established to own, operate and maintain the public and/or private open space shall at any time after the establishment of the planned development fail to maintain the open space in reasonable order and condition in accordance with the Development Plan, such failure shall constitute a violation of both the Development Plan and this Zoning Resolution.

450.07 – WAIVERS

450.071 – Waiver Requests – Except for density and the percentage of required open space, an applicant for PRCD approval may request a waiver from any other development standard or requirement of Section 450.

450.072 – Justification Required – For each waiver requested, an applicant must list each requested waiver and justification for it on the application and development plan. The waiver request must state that the proposed divergence be approved as part of and as shown on the development plan.

DEFINITIONS TO BE ADDED TO SECTION 720 – DEFINITIONS

Active Recreation: Leisure time activities characterized by repeated and concentrated use of land, often requiring equipment and taking place at prescribed places, sites or fields. Examples of active recreation facilities include, but are not limited to golf courses, tennis courts, swimming pools, and softball, baseball and soccer fields. For the purpose of these regulations, active recreation facilities do not include paths for bike riding, hiking, and walking and picnic areas.

Natural Features: An existing component of the landscape maintained as a part of the natural environment and having ecological value in contributing beneficially to air quality, erosion control, groundwater recharge, noise abatement, visual amenities, the natural diversity of plant and animal species, human recreation, reduction of climatic stress and energy costs.

Natural Vegetation: Vegetation naturally occurring on site without regular human management, maintenance, or planting, and generally contains a strong component of native species

Passive Recreation: Recreational activities that do not require prepared facilities like sports fields or pavilions. Passive recreational activities place minimal stress on a site's resources and are highly compatible with natural resource protection. Passive recreation includes, but is not limited to, camping, hiking, wildlife viewing, observing and photographing nature, picnicking, walking, bird watching, historic and archaeological exploration, swimming, bicycling, running/jogging, climbing, horseback riding and fishing.

Pervious Surface: A surface that presents an opportunity for precipitation to infiltrate into the ground OR Any material that permits full or partial absorption of storm water into previously unimproved land.

Private Open Space: Any parcel or area of land or water set aside, dedicated designated or reserved for private use or enjoyment, owned and maintained by a private entity.

Public Open Space: Any parcel or area of land or water set aside, dedicated designated or reserved for public use or enjoyment, owned and maintained by a public entity.

Tiered Land: The system of tiers outlined in the Big Darby Accord Master Plan that identifies land areas of protection based on unique environmental resources.